

DE1325



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10

**APPLICANTS:** Se-Chang KWON, et. al.  
**SERIAL NO. :** 10/031,123  
**FILED :** January 9, 2002  
**FOR :** MODIFIED HUMAN GRANULOCYTE-COLONY  
STIMULATING FACTOR AND PROCESS FOR PRODUCING  
SAME

**PETITION TO CHANGE THE FILING DATE**

Attention: APPLICATION BRANCH, CUSTOMER CORRECTIONS  
Assistant Commissioner of Patents  
& Trademarks  
Washington, DC 20231

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16 JUL 2003

International Division

S I R:

Applicant petitions for the filing date of the above-captioned application to be changed to reflect the date when the application was actually filed.

This petition is being filed in accordance with the provisions of the M.P.E.P. for filing patent applications and receiving a filing date.

The above-referenced patent application was filed on January 9, 2002, as shown by the stamp on the enclosed photocopy of the postcard receipt which was enclosed with the application. As shown by the enclosed filing receipt, the application actually received a filing date of May 13, 2002. This date should be changed to reflect the actual date of filing which is stamped on the postcard.

MPEP section 506 provides that a patent application will receive a filing date as of the date on which a specification containing a description and at least one claim and any required drawings are filed in the Patent and Trademark Office. It is undisputed that all of these items were received on January 9, 2002. Not only are they listed on the

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postcard returned by the USPTO, but they were also enumerated in the first communication from the Patent Office.

This first communication consisted of a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office, dated March 13, 2002. Along with enumerating the items received in the application, this communication requested an Oath or declaration of the inventors.

Applicants responded to this communication on May 13, 2002 enclosing a new photocopy of the previously enclosed Declaration and Power of Attorney, as well as a photocopy of the postcard, stamped by the USPTO, and listing the Declaration/Power of Attorney document among the others which were included with the application upon filing. The photocopy of the postcard was included in order to argue that it was inappropriate to request a new copy of the Declaration/Power of Attorney, nor to charge a fee, inasmuch as it had been included with the application at the time of filing.

In fact this application received a filing date of May 13, 2002, the date of the above-noted response with its included photocopy of the originally filed Declaration/Power of Attorney document. This was not correct. Not only should the application have received the January 9<sup>th</sup> date because that was the date on which a complete specification including claims was filed in accordance with MPEP section 506, but also the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office, of March 13, 2002 should not have been issued as the Declaration/Power of Attorney document was filed at the same time as the application as shown by the enclosed photocopy of the postcard stamped by the USPTO.

MPEP section 503 provides that :

“a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.”

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Accordingly, it is respectfully requested that this petition be granted and the filing date of the application be changed to January 9, 2002, the date of receipt of the application as shown by the USPTO date stamp on the postcard.

Respectfully submitted,



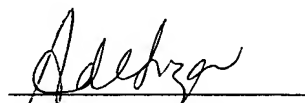
Richard Klar

Reg. No. 31,385

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January 29, 2003

**MAILING CERTIFICATE**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231 on January 29 , 2003 .

  
Audrey Desouza



Commissioner for Patents (DE-1325)  
Box: Patent Application

Applicant: Se-Chang Kwon, et al.  
Assignee: Hanmi Pharm. Co., Ltd.  
For: Modified Human Granulocyte-Colony Stimulating Factor ...

This is to acknowledge receipt of ES Phase PCT Continuation Patent Application with auth. to charge deposit acct. 01-1944 (1,188) & (40) with: Copy of Intl. Application as filed; English language version thereof; Declaration/Power of Attorney; Copy Intl Preliminary Examination Report; Intl Search Report; Assignment recordal; First Preliminary Amendment; Substitute Specification Change of Power of Attorney; Computer-readable sequence listing on diskette; Paper copy of Sequence Listing; Cert. of Mailing; Statement paper form is identical; auth. to charge dep. acct.

10/U31123

Express Mail: EL179766947US  
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dated: January 8, 2002

JC07 Rec'd PCT/PTO 09 JAN 2002

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